

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:21-cv-00281-MMD-WGC

R.S. COPPOLA TRUST—Oct. 19, 1995,
RALPH STEPHEN COPPOLA,

Order

Plaintiff

v.

NATIONAL DEFAULT SERVICES, et. al.,

Defendants

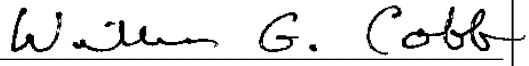
This action, which was removed by Defendants from State court, was filed by the R.S. Coppola Trust—Oct. 19, 1995, and Ralph Stephen Coppola, the Trustee for the R.S. Coppola Trust—Oct. 19, 1995. (ECF No. 1-1.) A trust (or a person suing in his or her capacity as trustee of a trust) is not permitted to represent itself in court. *See C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697-98 (9th Cir. 1987) (non-attorney may represent himself in a lawsuit, he does not have authority to appear as an attorney for others; finding that person filing action on behalf of trust and himself as trustee of the trust was not allowed to represent himself or the trust *pro se* in federal court unless the trustee was the actual beneficial owner of the trust's claims); *see also Maisano v. Welcher*, 940 F.2d 499, 501 (9th Cir. 1991); *Church of the New Testament v. United States*, 783 F.2d 771, 773 (9th Cir. 1986); *U.S. v. Haines*, No. C13-5082 BHS, 2013 WL 5719455 (W.D. Wa. Aug. 5, 2013) ("A trustee cannot act in a *pro se* capacity in a judicial proceeding involving the trust for which he serves as a fiduciary."); *Guerin v. Guerin*, 993 P.2d 1256, 1258, 116 Nev. 210, 214 (2000) ("A proper person, however, is not permitted to represent an entity such as a trust.").

1 While Federal Rule of Civil Procedure 17(a) authorizes a trustee to sue on behalf of the
2 trust without joining the actual beneficiaries of the trust, the rule “does not warrant the conclusion
3 that a nonlawyer [trustee] can maintain such a suit *in propria persona*.” *C.E. Pope*, 818 F.2d at
4 697.

5 Plaintiffs have **30 days** from the date of this Order to file a notice indicating that they
6 have obtained counsel to represent them in this litigation or this action may be dismissed without
7 prejudice.

8 **IT IS SO ORDERED.**

9 Dated: July 20, 2021

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11 William G. Cobb
12 United States Magistrate Judge
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